

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ECOGEN, LLC,

Plaintiff,

DECISION AND ORDER

06-CV-6196L

v.

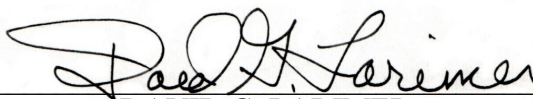
TOWN OF ITALY, et al.,

Defendants.

Plaintiff's motion for a preliminary injunction and defendants' motion to dismiss are currently scheduled for argument on May 31, 2006. I intend to keep that scheduled argument date.

There is a more recent motion filed by plaintiff to strike certain declarations in some of defendants' papers. I see no reason why the parties cannot be prepared to argue that matter on May 31, 2006, as well. If defendants believe that they are unable to respond to that motion prior to the May 31 argument date, I will afford them time *after* the argument to submit an appropriate responsive pleading.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
May 19, 2006.